

# EXHIBIT A

**MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN**A PROFESSIONAL CORPORATION [www.marshalldennehey.com](http://www.marshalldennehey.com)1845 Walnut Street · Philadelphia, PA 19103-4797  
(215) 575-2600 · Fax (215) 575-0856

Direct Dial: 215-575-2617

Email: [bhchandonnet@mdwgcg.com](mailto:bhchandonnet@mdwgcg.com)

March 25, 2008

**BY HAND DELIVERY**Honorable Allan Tereshko  
Philadelphia Court of Common Pleas  
Complex Litigation Center  
City Hall, Room 622  
Philadelphia, PA 19107

Attention: Donna Candelora, Esquire

**CONTROL NO:****030869**Defendants' Filing Due: 3/25/08  
Plaintiffs' Answer Due: 4/11/08  
Defendants' Reply Due: 4/16/08**PAUL GROUP 2180**  
**MAY 2008 MESOTHELIOMA****RE: Est. of George Corson (Gloria Kerns, Exec.) v.**  
**Westinghouse Air Brake (American Standard)**  
**CCP, Philadelphia County, June Term, 2007, No. 1384**  
**Our File: 20014-00464****MOTION FOR SUMMARY JUDGMENT ON BEHALF OF DEFENDANT,**  
**WESTINGHOUSE AIR BRAKE, FOR LACK OF PRODUCT IDENTIFICATION**

Dear Judge Tereshko:

Defendant, Westinghouse Air Brake, moves for Summary Judgment in connection with the above case for insufficient product identification evidence. Plaintiff has provided insufficient testimony or other evidence to establish any asbestos exposure attributable to Westinghouse Air Brake.

Plaintiff commenced this action alleging personal injury from exposure to asbestos. Plaintiff has offered no testimony or other evidence indicating that he was ever exposed to any asbestos-containing products manufactured, supplied, or distributed by Westinghouse Air Brake.

Plaintiff's decedent was deposed on August 22, 2007. During that deposition, he did not mention any product manufactured by Westinghouse Air Brake. One of Decedent's sons, George Corson, was deposed on February 6, 2008 in connection with he father's case. Pertinent portions of Mr. Corson's testimony are attached at Exhibits "A" and "B" respectively. During Mr. Corson's discovery deposition, he was asked leading questions with respect to Westinghouse Air Brake by plaintiff's counsel. The court in Wilson v. A.P. Green has previously held that testimony adduced through leading or otherwise objectionable questioning cannot be

PENNSYLVANIA  
Bethlehem  
Doylestown  
Erie  
Harrisburg  
King of Prussia  
Philadelphia  
Pittsburgh  
Scranton  
WilliamsportNEW JERSEY  
Cherry Hill  
RoselandDELAWARE  
WilmingtonOHIO  
AkronFLORIDA  
Ft. Lauderdale  
Jacksonville  
Orlando  
Tampa**FILED**  
**MAR 25 2008**  
**Civil Administration**

used to defeat summary judgment. Therefore, defendant, Westinghouse Air Brake submits to the court that any such testimony should not be considered in its determination of the instant motion. Notwithstanding the above objection, Plaintiff's counsel asked Mr. Corson, without provocation or sufficient foundation if he recalled the name Westinghouse Air Brake. See Exhibit "A" at 130. During the ensuing questioning, Mr. Corson was asked, again in a leading fashion, whether there was a gasket in the air brake compressor that he identified to which he responded, Yes. Id. However, when asked how many times his father removed a gasket from a Westinghouse Air Brake compressor, he responded "About once". Id. at 132-133. Clearly one removal of a gasket which Mr. Corson did not identify as asbestos-containing, does not meet the Eckenrod standard of frequency, proximity and regularity. In fact, when discussing the gasket during the video portion of his deposition, Mr. Corson identified it as a rubber gasket. See Exhibit "B" at 91-92.

Another of Plaintiff's Decedent's children, Terry Corson was deposed on March 3, 2008, in connection with his father's case. Pertinent portions of Mr. Corson's deposition transcript are attached at Exhibit "C". When specifically asked by plaintiff's counsel whether he associated any asbestos-containing products with Westinghouse brake valves, Mr. Corson responded "on the gaskets to the brake valves they were rubber gaskets. I can only assume that they didn't have any asbestos. See Exhibit "C" at 72. Terry Corson was unable to identify an asbestos-containing product of Westinghouse Air Brake

As was recently reiterated by the Pennsylvania Superior Court, it is well-established that in order to survive a motion for summary judgment in an asbestos case, a Plaintiff must:

Show that: (1) his/her injuries were caused by the product of a particular manufacturer or supplier"; and (2) the product was defective. Jobe v. W.P Metz Refining, 664 A.2d 1015, 1017 (Pa. Super. 1995). Establishing product identity in an asbestos case requires a plaintiff to produce evidence that she "inhaled asbestos fibers shed by the specific manufacturer's product." Eckenrod v. GAF Corp., 544 A.2d 50, 52 (Pa. Super 1988). Ideally, a plaintiff or a witness will be able to directly testify that plaintiff breathed in asbestos fibers and that those fibers came from defendant's product. Without such direct evidence, Plaintiff must rely upon circumstantial evidence of exposure. Such evidence must not merely demonstrate the "presence of asbestos in the workplace," but must show that plaintiff "worked in the vicinity of the product's use." Andaloro v. Armstrong World Indus., Inc., 799 A.2d 71, 86 (Pa. Super. 2002) (Citing Eckenrod, 544 A.2d at 52). Specifically, a Plaintiff's evidence of exposure and product identity must show that she "worked, on a regular and frequent basis, in physical proximity with the product as to raise a reasonable inference that [s]he inhaled asbestos fibers that emanated from it." Coward v. Owens-Corning Fiberglass Corp., 729 A.2d 614, 622 (Pa. Super. 1999) (citing the frequency, regularity and proximity standard from Eckenrod, 544 A.2d at 53).

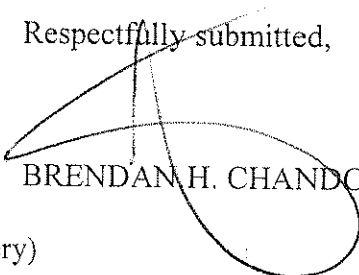
Wilson v. A.P. Green Industries, Inc., 807 A.2d 922, 924 (Pa. Super.2002).

It is anticipated that in response to this motion, plaintiff will attempt to defeat said motion by presenting the court with a large volume of documents pertaining to defendant's limited relationship with COBRA brake shoes. It should be noted however, that none of the witnesses made reference to products supplied by Westinghouse Air Brake. Further, there was no testimony that Westinghouse Air Brake supplied any brake shoes that were used by or around decedent. Specifically, there was no testimony regarding COBRA brake

shoes being supplied by Westinghouse Air Brake. Regardless of Plaintiff's anticipated arguments grossly exaggerating the limited relationship between Westinghouse Air Brake and COBRA, the issue in the case at hand is whether decedent worked with or around products manufactured, supplied or distributed by Westinghouse Air Brake. Without any testimony regarding same, Plaintiff cannot meet the burden established by Eckenrod and its progeny.

Plaintiff has failed to put forth sufficient evidence that he worked with any asbestos-containing products manufactured, supplied or distributed by Westinghouse Air Brake. Accordingly, Moving Defendant, Westinghouse Air Brake respectfully requests that summary judgment be entered in its favor and that all claims and cross claims against it be dismissed.

Respectfully submitted,



BRENDAN H. CHANDONNET

cc: Robert Paul, Esq. (Via Hand Delivery)

Re: Est. of George Corson (Gloria Kerns, Exec.) v. Westinghouse Air Brake  
CCP, Philadelphia County, June Term, 2007, No. 1384

**ORDER**

AND NOW, this       day of       , 2008, upon consideration of Defendant, Westinghouse Air Brake's Motion for Summary Judgment in the above-captioned case, it is hereby **ORDERED** and **DECREED** that said Motion is hereby **GRANTED** and all claims against Westinghouse Air Brake are hereby dismissed with prejudice.

BY THE COURT:

---

J.

# EXHIBIT "A"

<p>1</p> <p>2 IN THE COURT OF COMMON PLEAS</p> <p>3 FOR THE COUNTY OF PHILADELPHIA</p> <p>4 - - -</p> <p>5 GEORGE CORSON and FREIDA : JUNE TERM, 2007</p> <p>6 E. JUNG CORSON, n/w :</p> <p>7 vs. :</p> <p>8 CLARK EQUIPMENT, et al. : NO. 1384</p> <p>9 - - -</p> <p>10 Philadelphia, Pennsylvania</p> <p>11 February 6, 2008</p> <p>12 - - -</p> <p>13 Deposition of GEORGE MARION</p> <p>14 CORSON, held at the offices of PARAGON COURT</p> <p>15 REPORTING, LLC, on the above date at 10:10 a.m.,</p> <p>16 before Frank Frontino, a Registered Professional</p> <p>17 Reporter and Certified Shorthand Reporter.</p> <p>18 - - -</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Paragon Court Reporting, LLC</p> <p>23 34 North Front Street</p> <p>24 Philadelphia, Pennsylvania 19106</p> <p>25 (215) 922-2150 (609) 268-4890</p> <p>(800) 661-7049</p> <p>www.paragoncourtreporting.com</p> <p>Paragon Court Reporting, LLC</p>	<p>3</p> <p>1</p> <p>2 APPEARANCES (Continued):</p> <p>3 FOX ROTHSCHILD, LLP</p> <p>4 BY: ERIC E. REED, ESQUIRE</p> <p>5 2000 Market Street - 10th Floor</p> <p>6 Philadelphia, Pennsylvania 19103</p> <p>7 Attorneys for GATX</p> <p>8</p> <p>9 GERMAN, GALLAGHER &amp; MURTAGH</p> <p>10 BY: CHRISTOPHER HILLSLEY, ESQUIRE</p> <p>11 The Bellevue - 5th Floor</p> <p>12 Philadelphia, Pennsylvania 19102</p> <p>13 Attorneys for Crouse-Hinds</p> <p>14</p> <p>15 GOLDBERG, MILLER &amp; RUBIN, P.C.</p> <p>16 BY: JESSICA REENOCK, ESQUIRE</p> <p>17 The North American Building</p> <p>18 121 South Broad Street - Suite 1500</p> <p>19 Philadelphia, Pennsylvania 19107</p> <p>20 Attorneys for Eaton Corp.</p> <p>21</p> <p>22 GOLDFEIN &amp; JOSEPH, P.C.</p> <p>23 BY: BERNARD LEVINthal, ESQUIRE</p> <p>24 1600 Market Street - 33rd Floor</p> <p>25 Philadelphia, Pennsylvania 19103-7288</p> <p>Attorneys for Rockwell</p> <p>1</p> <p>2 GOLLATZ, GRIFFIN &amp; EWING, PC</p> <p>3 BY: MEHVUSH S. CABRALES, ESQUIRE</p> <p>4 Four Penn Center - Suite 200</p> <p>5 1600 JFK Boulevard</p> <p>6 Philadelphia, Pennsylvania 19103</p> <p>7 Attorneys for Pullman Co.</p> <p>8</p> <p>9 HOLLSTEIN, KEATING, CATTELL,</p> <p>10 JOHNSON &amp; GOLDSTEIN</p> <p>11 BY: E. MICHAEL KEATING, III, ESQUIRE</p> <p>12 Eight Penn Center - Suite 2000</p> <p>13 1628 JFK Boulevard</p> <p>14 Philadelphia, Pennsylvania 19103</p> <p>15 Attorneys for General Electric</p> <p>16</p> <p>17 Paragon Court Reporting, LLC</p>
<p>2</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3 PAUL, REICH &amp; MYERS, P.C.</p> <p>4 BY: ROBERT E. PAUL, ESQUIRE</p> <p>5 1608 Walnut Street - Suite 500</p> <p>6 Philadelphia, Pennsylvania 19103</p> <p>7 Attorneys for Plaintiffs</p> <p>8</p> <p>9 BAGINSKI, MEZZANOTE,</p> <p>10 HASSAN &amp; RUBINATE</p> <p>11 BY: MARK MacDONALD, ESQUIRE</p> <p>12 Public Ledger Building - Suite 500</p> <p>13 150 South Independence Mall West</p> <p>14 Philadelphia, Pennsylvania 19106</p> <p>15 Attorneys for Vellumoid</p> <p>16</p> <p>17 BILLET &amp; CONNOR</p> <p>18 BY: J. FRED LORUSSO, ESQUIRE</p> <p>19 2000 Market Street - Suite 2803</p> <p>20 Philadelphia, Pennsylvania 19103</p> <p>21 Attorneys for Graybar Electric Co., Inc.</p> <p>22</p> <p>23 BONNER, KIERNAN, TREBACH &amp; CROCIATA</p> <p>24 BY: JENNIFER McGARRITY, ESQUIRE</p> <p>25 121 South Broad Street - Suite 1000</p> <p>Philadelphia, Pennsylvania 19107</p> <p>Attorneys for American Biltrite, Inc.</p> <p>and RFPC</p> <p>1</p> <p>2 CLEMENTE, MUELLER &amp; TORIA, P.A.</p> <p>3 BY: MICHAEL COLLINS, ESQUIRE</p> <p>4 218 Ridgedale Avenue</p> <p>5 Morristown, New Jersey 07962</p> <p>6 Attorneys for Durabla</p> <p>7</p> <p>8 DELANEY &amp; O'BRIEN</p> <p>9 BY: DEAN SEAMAN, ESQUIRE</p> <p>10 325 Chestnut Street - Suite 1212</p> <p>11 Philadelphia, Pennsylvania 19106</p> <p>12 Attorneys for BBC Brown Boveri</p> <p>13</p> <p>14 DICKIE, McCAMEY &amp; CHILCOTE, P.C.</p> <p>15 BY: JAMES PAPA, ESQUIRE</p> <p>16 Public Ledger Building - Suite 901</p> <p>17 150 South Independence Mall West</p> <p>18 Philadelphia, Pennsylvania 19106</p> <p>19 Attorneys for John Crane Company</p> <p>20</p> <p>21 Paragon Court Reporting, LLC</p>	<p>4</p> <p>1</p> <p>2 APPEARANCES (Continued):</p> <p>3 KELLEY, JASONS, McGOWAN,</p> <p>4 SPINELLI &amp; HANNA, LLP</p> <p>5 BY: LIZA STAGLIANO, ESQUIRE</p> <p>6 Centre Square West - Suite 1500</p> <p>7 1500 Market Street</p> <p>8 Philadelphia, Pennsylvania 19102</p> <p>9 Attorneys for Pneumo Abex,</p> <p>10 Union Carbide and Square D</p> <p>11</p> <p>12 LAVIN, O'NEIL, RICCI,</p> <p>13 CEDRONE &amp; DISIPIO</p> <p>14 BY: LA WANDA DYSON, ESQUIRE</p> <p>15 190 North Independence Mall West</p> <p>16 6th and Race Streets</p> <p>17 Philadelphia, Pennsylvania 19106</p> <p>18 Attorneys for General Motors</p> <p>19 and GTE</p> <p>20</p> <p>21 LAVIN, O'NEIL, RICCI,</p> <p>22 CEDRONE &amp; DISIPIO</p> <p>23 BY: MATTHEW H. RUGGLES, ESQUIRE</p> <p>24 190 North Independence Mall West</p> <p>25 6th and Race Streets</p> <p>Philadelphia, Pennsylvania 19106</p> <p>Attorneys for 3M</p> <p>1</p> <p>2 MARON, MARVEL, BRADLEY &amp; ANDERSON P.A.</p> <p>3 BY: BENJAMIN RANDALL, ESQUIRE</p> <p>4 1700 Market Street - Suite 1500</p> <p>5 Philadelphia, Pennsylvania 19103</p> <p>6 Attorneys for BELCI</p> <p>7</p> <p>8 MARON, MARVEL, BRADLEY &amp; ANDERSON P.A.</p> <p>9 BY: ERIC KADISH, ESQUIRE</p> <p>10 1700 Market Street - Suite 1500</p> <p>11 Philadelphia, Pennsylvania 19103</p> <p>12 Attorneys for Owens-Illinois</p> <p>13</p> <p>14 MARGOLIS EDELSTEIN</p> <p>15 BY: LISA FLICKSTEIN, ESQUIRE</p> <p>16 Independence Square West - 4th Floor</p> <p>17 6th and Walnut Streets</p> <p>18 Philadelphia, Pennsylvania 19106</p> <p>19 Attorneys for B.F. Goodrich,</p> <p>20 Melrath Gasket, Sepco and Belden</p> <p>21</p> <p>22 Paragon Court Reporting, LLC</p>

<p>1 G. M. Corson 2 Tell us about the exhaust 3 gaskets. 4 A. You'd take the bolts out of the 5 exhaust stack and lift it up in the air and slide 6 the gasket out and put the new one in, put the 7 bolts in and tighten it down. 8 Q. Did it have to be scraped? 9 MS. DYSON: Objection. 10 THE WITNESS: Occasionally. 11 BY MR. PAUL: 12 Q. What did you have to scrape it out 13 with? 14 A. A putty knife. 15 Q. Sir, you mentioned, I believe, 16 compressors this morning. 17 A. Yes, I did. 18 Q. Okay. Do you recall the names of the 19 compressors that were used at the railroad? 20 MR. POWELL: Objection. 21 THE WITNESS: There was 22 Ingersoll-Rands and -- and a few others. 23 BY MR. PAUL: 24 Q. Do you recall the names of any of 25 the other --</p> <p>Paragon Court Reporting, LLC</p>	<p>129</p> <p>1 G. M. Corson 2 I -- I've not been a railroader. The lawyers 3 here are not railroaders. 4 If this is read to a jury, a 5 jury's not going to know what a railroad part on 6 a compressor is. You have to tell us. 7 A. Brake cylinders, I believe. 8 Q. Okay. 9 A. I think they manufactured safety 10 valves and -- 11 That's about all I can think 12 of right now. 13 Q. Was there anything else in the 14 Westinghouse Air Brake compressor? 15 MR. CAGNOLI: Object to the 16 form, "compressor." 17 MR. PAUL: He said 18 compressor. 19 MR. CAGNOLI: I don't think 20 he did. 21 THE WITNESS: Not that I'm 22 aware of. 23 BY MR. PAUL: 24 Q. Was there a gasket in the compressor? 25 MR. CAGNOLI: Objection to Paragon Court Reporting, LLC</p> <p>131</p>
<p>1 G. M. Corson 2 I'm sorry. I didn't mean to 3 cut you off, sir. 4 Were there any compressors on 5 the railroad equipment itself? 6 A. Yes. 7 Q. And who manufactured those, if you 8 recall? 9 A. To my best knowledge, I think it was 10 Gardner (phonetic). 11 Q. "Gardner." 12 Do you recall the name 13 Westinghouse Air Brake? 14 MR. CAGNOLI: Objection. 15 BY MR. PAUL: 16 Q. You can answer the question. 17 A. Yes. 18 Q. What do you recall about Westinghouse 19 Air Brake, sir? 20 A. Westinghouse, I believe, supplied 21 most of the air brake parts. 22 Q. What kinds of air brake parts did 23 Westinghouse supply -- Westinghouse Air Brake 24 supply? 25 I mean, understand, you and</p> <p>Paragon Court Reporting, LLC</p>	<p>130</p> <p>1 G. M. Corson 2 the form. 3 THE WITNESS: Oh, yes. 4 BY MR. PAUL: 5 Q. Where was the gasket in the 6 Westinghouse Air Brake compressor? 7 MR. CAGNOLI: Objection. 8 THE WITNESS: Under the head. 9 BY MR. PAUL: 10 Q. What's a head? 11 I'm sorry. 12 MR. POWELL: Objection. 13 BY MR. PAUL: 14 Q. I'm asking you to explain things that 15 are so obvious to you. 16 A. It's a head that holds the valve that 17 lets the compressor build the air. 18 Q. Did your dad ever remove one of these 19 gaskets from a Westinghouse Air Brake compressor? 20 A. Yes. 21 MR. CAGNOLI: Objection. 22 MR. POWELL: Objection. 23 BY MR. PAUL: 24 Q. Can you tell me how many times you 25 know of that he did that, if you can?</p> <p>Paragon Court Reporting, LLC</p> <p>132</p>



<p>133</p> <p>1 G. M. Corson</p> <p>2 A. About once.</p> <p>3 Q. Was it something that he did</p> <p>4 regularly when he wasn't working with you, if you</p> <p>5 know?</p> <p>6 A. No.</p> <p>7 MR. CAGNOLI: Objection.</p> <p>8 BY MR. PAUL:</p> <p>9 Q. You mentioned the name Union</p> <p>10 Carbide --</p> <p>11 A. Yes.</p> <p>12 Q. -- in response to Mr. Cagnoli's</p> <p>13 questions.</p> <p>14 MS. STAGLIANO: Objection.</p> <p>15 BY MR. PAUL:</p> <p>16 Q. What do you recall about Union</p> <p>17 Carbide exactly?</p> <p>18 MS. STAGLIANO: Objection.</p> <p>19 Asked and answered.</p> <p>20 BY MR. PAUL:</p> <p>21 Q. What product was it?</p> <p>22 What did it look like?</p> <p>23 A. It was tools.</p> <p>24 Q. Well, when you say "tools," tools</p> <p>25 mean a lot of things.</p> <p>Paragon Court Reporting, LLC</p>	<p>13</p> <p>1 G. M. Corson</p> <p>2 BY MR. PAUL:</p> <p>3 Q. Sir, do I recall your saying</p> <p>4 something about asbestos tape?</p> <p>5 Did you talk about that this</p> <p>6 morning?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell us about what the</p> <p>9 asbestos tape was used for and on what product?</p> <p>10 A. It was used on the locomotives, on</p> <p>11 the water system, on the pipes for the water.</p> <p>12 Q. Sir, I'm going to show you a document</p> <p>13 which has been previously marked for the purpose</p> <p>14 of the deposition as Plaintiffs' 3.</p> <p>15 Would you take a look at</p> <p>16 that, sir?</p> <p>17 There are three pages of it.</p> <p>18 You should take a look at all three pages.</p> <p>19 MR. PAUL: For the record, I</p> <p>20 would note that this was an exhibit to the /</p> <p>21 deposition of David Merriam, M-e-r-r-i-o-n, taken</p> <p>22 in the matter of Audrey Renard, R-e-n-a-r-d, in</p> <p>23 Dallas, Texas, on December the 16th, 2005.</p> <p>24 BY MR. PAUL:</p> <p>25 Q. Sir, is there anything in those</p> <p>Paragon Court Reporting, LLC</p>
<p>134</p> <p>1 G. M. Corson</p> <p>2 A. Tools for turning metal.</p> <p>3 Q. Okay. What did it look like?</p> <p>4 A. It was a little block and it's got an</p> <p>5 edge on it and it goes in a lathe.</p> <p>6 Q. Did you ever use any of the welding</p> <p>7 rods or gloves similar to what you described with</p> <p>8 Airco?</p> <p>9 MS. FALCONE: Objection.</p> <p>10 MS. STAGLIANO: Objection.</p> <p>11 BY MR. PAUL:</p> <p>12 Q. You can answer the question.</p> <p>13 A. Yes.</p> <p>14 Q. How often did you do that?</p> <p>15 A. Occasionally.</p> <p>16 Q. You answered questions about specific</p> <p>17 Airco numbers, AWS numbers.</p> <p>18 Do you recall the Union</p> <p>19 Carbide AWS numbers?</p> <p>20 MS. STAGLIANO: Objection.</p> <p>21 Leading.</p> <p>22 THE WITNESS: No, I don't.</p> <p>23 MR. PAUL: Okay. Just give</p> <p>24 me a second, Frank.</p> <p>25 (Pause.)</p> <p>Paragon Court Reporting, LLC</p>	<p>13</p> <p>1 G. M. Corson</p> <p>2 documents that is familiar to you?</p> <p>3 A. The tape is and the pipes are.</p> <p>4 Q. Tell us about how the tape and the</p> <p>5 pipes are familiar to you.</p> <p>6 A. The tape was wrapped around all the</p> <p>7 water pipes so that the employees either wouldn't</p> <p>8 burn their hands if they accidentally grabbed it</p> <p>9 and it would also protect it from the cold.</p> <p>10 Q. What product was this for, was this</p> <p>11 used on?</p> <p>12 A. It was used on the EMD locomotives.</p> <p>13 Q. "EMD," again, being General Motors?</p> <p>14 A. Yes.</p> <p>15 Q. Did you and your father have to touch</p> <p>16 or handle this product?</p> <p>17 A. Occasionally we would touch it.</p> <p>18 Q. And when you touched it, what would</p> <p>19 happen, sir?</p> <p>20 MS. DYSON: Objection.</p> <p>21 BY MR. PAUL:</p> <p>22 Q. What, if anything, would happen?</p> <p>23 A. I have no -- I never paid any</p> <p>24 attention to it, if I touched it.</p> <p>25 Q. Did any of it fall apart? Did any of</p> <p>Paragon Court Reporting, LLC</p>

# EXHIBIT "B"

February 6, 2008

56

1  
2  
3 IN THE COURT OF COMMON PLEAS  
4 FOR THE COUNTY OF PHILADELPHIA  
5  
6  
7 GEORGE CORSON and FREIDA : JUNE TERM, 2007  
8 E. JUNG CORSON, h/w :  
9  
10 vs. :  
11  
12 CLARK EQUIPMENT, et al. : NO. 1384  
13  
14  
15  
16 Philadelphia, Pennsylvania  
17 February 6, 2008  
18  
19  
20 Continued videotape  
21 deposition of GEORGE MARION CORSON, held at the  
22 offices of PARAGON COURT REPORTING, LLC, on the  
23 above date at 2:06 p.m., before Frank Frontino, a  
24 Registered Professional Reporter and Certified  
25 Shorthand Reporter.

Paragon Court Reporting, LLC  
34 North Front Street  
Philadelphia, Pennsylvania 19106  
(215) 922-2150 (800) 661-7049 (609) 268-4880  
www.paragoncourtreporting.com

Paragon Court Reporting, LLC

57

1  
2 APPEARANCES:  
3  
4 PAUL, REICH & MYERS, P.C.  
5 BY: ROBERT E. PAUL, ESQUIRE  
6 1608 Walnut Street - Suite 500  
7 Philadelphia, Pennsylvania 19103  
8 Attorneys for Plaintiffs  
9  
10 BAGINSKI, MEZZANOTE,  
11 HASSAN & RUBINATE  
12 BY: MARK MACDONALD, ESQUIRE  
13 Public Ledger Building - Suite 500  
14 150 South Independence Mall West  
15 Philadelphia, Pennsylvania 19106  
16 Attorneys for Vellumoid  
17  
18 BILLET & CONNOR  
19 BY: J. FRED LORUSSO, ESQUIRE  
20 2000 Market Street - Suite 2803  
21 Philadelphia, Pennsylvania 19103  
22 Attorneys for Graybar Electric Co., Inc.  
23  
24 BONNER, KIERNAN, TREBACH & CROCIATA  
25 BY: JENNIFER MCGARRITY, ESQUIRE  
121 South Broad Street - Suite 1000  
Philadelphia, Pennsylvania 19107  
Attorneys for American Biltrite, Inc.  
and RFPC

CLEMENTE, MUELLER & TOBIA, P.A.  
BY: MICHAEL COLLINS, ESQUIRE  
218 Ridgedale Avenue  
Morristown, New Jersey 07962  
Attorneys for Durabla

DELANEY & O'BRIEN  
BY: DEAN SEAMAN, ESQUIRE  
325 Chestnut Street - Suite 1212  
Philadelphia, Pennsylvania 19106  
Attorneys for BBC Brown Boveri

DICKIE, McCAMEY & CHILCOTE, P.C.  
BY: JAMES PAPA, ESQUIRE  
Public Ledger Building - Suite 901  
150 South Independence Mall West  
Philadelphia, Pennsylvania 19106  
Attorneys for John Crane Company

Paragon Court Reporting, LLC

58

1  
2 APPEARANCES (Continued):  
3  
4 FOX ROTHSCHILD, LLP  
5 BY: ERIC E. REED, ESQUIRE  
6 2000 Market Street - 10th Floor  
7 Philadelphia, Pennsylvania 19103  
8 Attorneys for GATX  
9  
10 GERMAN, GALLAGHER & MURTAGH  
11 BY: CHRISTOPHER HILLSLEY, ESQUIRE  
12 The Bellevue - 5th Floor  
13 Philadelphia, Pennsylvania 19102  
14 Attorneys for Crouse-Hinds  
15  
16 GOLDBERG, MILLER & RUBIN, P.C.  
17 BY: JESSICA REENOCK, ESQUIRE  
18 The North American Building  
19 121 South Broad Street - Suite 1500  
20 Philadelphia, Pennsylvania 19107  
21 Attorneys for Eaton Corp.  
22  
23 GOLDFEIN & JOSEPH, P.C.  
24 BY: BERNARD LEVINthal, ESQUIRE  
25 1600 Market Street - 33rd Floor  
Philadelphia, Pennsylvania 19103-7288  
Attorneys for Rockwell

GOLLATZ, GRIFFIN & EWING, PC  
BY: MEHVUSH S. CABRALES, ESQUIRE  
Four Penn Center - Suite 200  
1600 JFK Boulevard  
Philadelphia, Pennsylvania 19103  
Attorneys for Pullman Co.

HOLLSTEIN, KEATING, CATTELL,  
JOHNSON & GOLDSTEIN  
BY: E. MICHAEL KEATING, III, ESQUIRE  
Eight Penn Center - Suite 2000  
1628 JFK Boulevard  
Philadelphia, Pennsylvania 19103  
Attorneys for General Electric

Paragon Court Reporting, LLC

59

1  
2 APPEARANCES (Continued):  
3  
4 KELLEY, JASONS, McGOWAN,  
5 SPINELLI & MANNA, LLP  
6 BY: LIZA STAGLIANO, ESQUIRE  
7 Centre Square West - Suite 1500  
8 1500 Market Street  
9 Philadelphia, Pennsylvania 19102  
10 Attorneys for Pneumo Abex,  
11 Union Carbide and Square D  
12  
13 LAVIN, O'NEIL, RICCI,  
14 CEDRONE & DISIPPIO  
15 BY: LA WANDA DYSON, ESQUIRE  
16 190 North Independence Mall West  
17 6th and Race Streets  
18 Philadelphia, Pennsylvania 19106  
19 Attorneys for General Motors  
20 and GTE  
21  
22 LAVIN, O'NEIL, RICCI,  
23 CEDRONE & DISIPPIO  
24 BY: MATTHEW H. RUGGLES, ESQUIRE  
25 190 North Independence Mall West  
6th and Race Streets  
Philadelphia, Pennsylvania 19106  
Attorneys for 3M

MARON, MARVEL, BRADLEY & ANDERSON P.A.  
BY: BENJAMIN RANDALL, ESQUIRE  
1700 Market Street - Suite 1500  
Philadelphia, Pennsylvania 19103  
Attorneys for BELCI

MARON, MARVEL, BRADLEY & ANDERSON P.A.  
BY: ERIC KADISH, ESQUIRE  
1700 Market Street - Suite 1500  
Philadelphia, Pennsylvania 19103  
Attorneys for Owens-Illinois

MARGOLIS EDELSTEIN  
BY: LISA FLICKSTEIN, ESQUIRE  
Independence Square West - 4th Floor  
6th and Walnut Streets  
Philadelphia, Pennsylvania 19106  
Attorneys for B.F. Goodrich,  
Melrath Gasket, Sepco and Belden

Paragon Court Reporting, LLC

92

1 G. M. Corson - DIRECT  
 2 air compressor?  
 3 A. Yes.  
 4 Q. Were the gaskets on the Gardner air  
 5 compressors?  
 6 A. Yes.  
 7 Q. Were there gaskets on any --  
 8 Do you recall the name  
 9 Westinghouse Air Brake?  
 10 MS. FALCONE: Objection.  
 11 THE WITNESS: Yes. There was  
 12 gaskets on -- or seals on them.  
 13 BY MR. PAUL:  
 14 Q. Is a seal the same as a gasket?  
 15 A. In function, yes.  
 16 Q. Tell me about the Westinghouse Air  
 17 Brake product that you just described.  
 18 A. It was a cup-and-brake cylinder, a  
 19 rubber cup and rubber gasket.  
 20 Q. Did you and your dad have to take the  
 21 Westinghouse Air Brake compressor apart?  
 22 MS. FALCONE: Objection.  
 23 THE WITNESS: No.  
 24 BY MR. PAUL:  
 25 Q. Did you have to replace the gasket?  
 Paragon Court Reporting, LLC

93

1 G. M. Corson - DIRECT  
 2 A. Yes. Occasionally.  
 3 Q. Did the compressor ever come with an  
 4 assembly?  
 5 Did you ever use that as a  
 6 replacement product?  
 7 A. No.  
 8 MR. PAUL: Go off the video.  
 9 THE VIDEO SPECIALIST: We're  
 10 going off the record.  
 11 The time is 2:24.  
 12 (Off the record.)  
 13 MR. PAUL: Let's go back on.  
 14 THE VIDEO SPECIALIST: We are  
 15 on the record.  
 16 The time is 2:25.  
 17 BY MR. PAUL:  
 18 Q. Now, sir, I forgot to ask you a  
 19 couple of questions about Airco.  
 20 We had talked about the  
 21 welding -- welding rods.  
 22 Did you handle or work with  
 23 any other product from Airco?  
 24 MS. FALCONE: Objection.  
 25 THE WITNESS: Safety  
 Paragon Court Reporting, LLC

94

1 G. M. Corson - DIRECT  
 2 equipment.  
 3 BY MR. PAUL:  
 4 Q. What kind of safety equipment was  
 5 that?  
 6 A. Gloves.  
 7 Q. Talking about the gloves, do you know  
 8 what the gloves were made of?  
 9 A. No.  
 10 Q. Okay. How did you handle -- use the  
 11 Airco gloves?  
 12 A. We wore them while we were welding or  
 13 cutting.  
 14 Q. Did you see any words or printing  
 15 that said what the welding gloves were made of?  
 16 MS. FALCONE: Objection.  
 17 THE WITNESS: No. I didn't  
 18 pay any attention to them.  
 19 BY MR. PAUL:  
 20 Q. Did Milwaukee have General Electric  
 21 locomotives?  
 22 A. Yes.  
 23 Q. Did you yourself ever work on a GE  
 24 locomotive?  
 25 A. Yes.  
 Paragon Court Reporting, LLC

95

1 G. M. Corson - DIRECT  
 2 Q. Okay. Where did you work on a GE  
 3 locomotive?  
 4 A. In Milwaukee.  
 5 MR. KEATING: Objection.  
 6 Off the record.  
 7 THE VIDEO SPECIALIST: We are  
 8 going off the record.  
 9 The time is 2:26.  
 10 MR. KEATING: I'll raise an  
 11 objection on relevance, materiality.  
 12 At this point, that would be  
 13 it.  
 14 MR. PAUL: Okay.  
 15 MR. KEATING: Can I have a  
 16 continuing objection on those points?  
 17 MR. PAUL: Yes, you may.  
 18 MR. KEATING: To the  
 19 questions regarding GE locomotives?  
 20 MR. PAUL: Yes. You do not  
 21 have to state them again.  
 22 MR. KEATING: Thank you.  
 23 MR. PAUL: You don't have to  
 24 object again.  
 25 THE VIDEO SPECIALIST: We are  
 Paragon Court Reporting, LLC

# EXHIBIT "C"

IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY  
CIVIL SECTION: TRIAL DIVISION

GLORIA GAIL KURNS, :  
Executrix of the Estate: :  
of GEORGE M. CORSON, :  
deceased and FREIDA E. :  
JUNG CORSON, widow in :  
her own right :  
Plaintiffs :  
: :  
: :

vs. :  
: :  
: :

A.W. CHESTERTON, INC., :  
et al. :  
Defendants :  
: :

- - -

Oral Deposition of TERRY CORSON was  
taken pursuant to notice, held at Knipes-Cohen  
Veritext, 400 Market Street, 11th Floor,  
Philadelphia, Pennsylvania on Monday, March 3,  
2008, beginning at or about 10:10 a.m., before  
Debra J. Veneziale, Court Reporter-Notary  
Public, there being present.

- - -

APPEARANCES:

PAUL, REICH & MYERS, P.C.  
BY: RICHARD MYERS, ESQUIRE  
1608 Walnut Street, Suite 500  
Philadelphia, Pennsylvania 19103  
Phone: (215) 735-9200  
Representing the Plaintiffs

1 a piece of emery paper and send it.  
 2 Q. As you look back on it, do you believe  
 3 that the removal of old gasket material from  
 4 let's say a flange, a pipe flange, created any  
 5 visible dust?  
 6 A. Absolutely.  
 7 Q. And would this -- would you and your  
 8 father do gasket work on a regular basis would  
 9 you say?  
 10 A. The gasket work was more an exception.  
 11 Again, the air compressors and the power  
 12 assemblies, that was more, you know, more of  
 13 an exception. My father was the type that he  
 14 took a lot of pride in what he did. He didn't  
 15 want to send a locomotive out of that shop  
 16 that wasn't running because that meant that a  
 17 couple cars weren't going because of the  
 18 trailer and tonnage and everything. So, we  
 19 did everything within our power to make sure  
 20 that locomotives ran.  
 21 Q. I don't know if I heard you correctly,  
 22 but did you and your father also install  
 23 and/or remove car brakes or did you do mostly  
 24 locomotive brakes?  
 25 A. The majority of what we did there was

1 locomotive work. The car brakes were by  
 2 exception, other than again the cabooses and  
 3 the tank cars that brought fuel in.  
 4 Q. You mentioned Gardner Denver as a  
 5 manufacturer of air compressors. Were these  
 6 air compressors located on or in the  
 7 locomotive I take it?  
 8 A. They were in on the Number 2 end of the  
 9 locomotive which is along the end.  
 10 Q. And is there a simple explanation as to  
 11 what these air compressors did, these Gardner  
 12 Denver air compressors?  
 13 A. That's the air that provides the  
 14 braking for the train.  
 15 Q. Okay.  
 16 And do you associate any gasket  
 17 components with the maintenance repair and/or  
 18 installation of the Gardner Denver air  
 19 compressors? Were there any gaskets used when  
 20 you would service the air compressors?  
 21 A. The gaskets that we used when we -- we  
 22 never applied an old gasket.  
 23 Q. Right.  
 24 A. So, if we pulled a head off or a final  
 25 discharge valve off we always put a new gasket

1 on. So, anything that we removed, anything  
 2 that we interrupted a new piece went on.  
 3 Q. And for a specific manufacturer's  
 4 component, like this Gardner Denver air  
 5 compressor, would you and your father  
 6 fabricate the gaskets or would you use a  
 7 Gardner Denver replacement gasket?  
 8 A. All fabrication.  
 9 Q. Okay.  
 10 And I think when Mr. Ryan was  
 11 asking you some questions he asked you some  
 12 questions about -- was it brake valves,  
 13 Westinghouse brake valves?  
 14 A. Westinghouse brake valves on freight  
 15 cars.  
 16 Q. As you sit here today, do you associate  
 17 any asbestos-containing components with the  
 18 Westinghouse brake valves?  
 19 A. On the gaskets to the brake valves they  
 20 were rubber gaskets. I can only assume that  
 21 they didn't have any asbestos.  
 22 Q. Okay, fair enough.  
 23 Regarding the EMD -- and I  
 24 assume these are diesel locomotives?  
 25 A. Diesel electric locomotives.

1 Q. Okay.  
 2 And looking back on it  
 3 certainly we're talking -- or it was your  
 4 understanding that these EMD locomotives  
 5 obviously contained gasket material or  
 6 gaskets; is that fair?  
 7 A. Yes.  
 8 Q. And likewise, they would have  
 9 contained, depending on the particular model  
 10 of locomotive, up to 24 brake shoes, these  
 11 locomotives?  
 12 A. Yes.  
 13 Q. What were the various combinations of  
 14 total number of brake shoes per a particular  
 15 locomotive that you can recall?  
 16 A. The older style, the switch engine had  
 17 class brakes. The GP38s that came in they had  
 18 just a single brake shoe that worked off a  
 19 slack adjuster that worked between wheels.  
 20 They were not a class brake. So, there were  
 21 some differences in the brake arrangement.  
 22 Q. And again, depending on the size and  
 23 configuration of the particular EMD  
 24 locomotive, to do a total brake change-out you  
 25 might be talking about eight, 12, 16, 20 or 24

19 (Pages 70 to 73)

KNIPES COHEN VERITEXT COURT REPORTING

215-928-9300

WWW.KNIPESCOHEN.COM

PHILADELPHIA, PA

a752a759-fbe5-4bc2-9ed6-4f1cf1875c4e